

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 15

KACE LOGISTICS, L.L.C.

Employer

and

INTERNATIONAL UNION, UNITED AUTOMOBILE,
AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS
OF AMERICA (UAW)

Petitioner

15-RC-8500

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board; hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer, Kace Logistics, L.L.C., is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein. 1/
3. The labor organization involved claims to represent the employees of the Employer. 2/
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act. 3/
5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act: 4/

All full-time and regular part-time production and maintenance employees at the Kace Logistics, L.L.C. Shreveport facility, employed by Kace Logistics, L.L.C.; excluding all office, clerical employees, managerial and professional employees, guards and supervisors as defined by the Act.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the unit(s) found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit(s) who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, in an economic strike which

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commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by International Union, United Automobile, Aerospace and Agricultural Implement Workers of America.

LIST OF VOTERS

In order to insure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. **Excelsior Underwear, Inc.**, 156 NLRB 1236 (1966); **NLRB. Wyman-Gordan Company**, 394 U.S. 759 (1969). Accordingly, it is hereby directed that with 7 days of the date of this Decision 3 copies of an election eligibility list, containing the full names and addresses of all the eligible voters, shall be filed by the Employer with the undersigned who shall make the list available to all parties to the election. **North Macon Health Care Facility**, 315 NLRB No. 50 (1994). In order to be timely filed, such list must be received in Region 15 of the National Labor Relations Board, 1515 Poydras St. Suite 610, New Orleans, Louisiana 70112, on or before January 16, 2004. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

NOTICES OF ELECTION

Please be advised that the Board has adopted a rule requiring that election notices be posted by the Employer at least three working days prior to an election. If the Employer has not received the notice of election at least five working days prior to the election date, please contact the Board Agent assigned to the case or the election clerk.

A party shall be estopped from objecting to the non-posting of notices if it is responsible for the non-posting. An Employer shall be deemed to have received copies of the election notices unless it notifies the Regional office at least five working days prior to 12:01 a.m. of the day of the election that it has not received the notices. *Club Demonstration Services*, 317 NLRB 349 (1995). Failure of the Employer to comply with these posting rules shall be grounds for setting aside the election whenever proper objections are filed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the **Executive Secretary, 1099-14th Street, NW, Washington, DC 20570-0001**. This request must be received by the Board in Washington by January 23, 2004.

Dated January 9, 2004

at New Orleans, Louisiana

Rodney D. Johnson
Acting Regional Director, Region 15

- 1/ The parties stipulated, and I find, that the correct name of the Employer is Kace Logistics, L.L.C and I hereby, amend all records accordingly. The parties also stipulated, and I find, that Kace Logistics, L.L.C. is a Michigan corporation with a facility in Shreveport, Louisiana. The parties further stipulated, and I find, that Kace Logistics, L.L.C. provides warehousing and sequencing services for an employer who is engaged in interstate commerce and this employer, during the last 12 months, sold and shipped goods in excess of \$50,000 across state lines. Based upon the parties' stipulation to such facts, I find that it will effectuate the purposes and policies of the Act to assert jurisdiction in this matter.
- 2/ The parties stipulated, and I find, that the correct and complete name of the labor organization/Petitioner is International Union, United Automobile, Aerospace and Agricultural Implement Workers of America. The parties further stipulated, and I find, that the Union is a labor organization within the meaning of the National Labor Relations Act.
- 3/ The parties stipulated, and I find, that there is no contract bar to this proceeding.
- 4/ The parties stipulated, and I find, that the Petitioner seeks to represent an appropriate unit comprised of all full-time and regular part-time production and maintenance employees at the Employer's Shreveport facility; excluding all office, clerical employees, managerial and professional employees, guards and supervisors as defined by the Act.

At the hearing, the Petitioner took the position that it sought a unit of employees employed only by Kace Logistics, L.L.C. and not jointly employed with any other Employer. Petitioner further took the position that it sought no temporary employees employed by any other employer doing business on the Employer's facility. A representative from Jean Simpson Personnel, Inc., the employer with temporary employees working at the Employer's Shreveport facility, took the position that its two temporary employees should not be in any petitioned for unit and that it is a separate employer from the Employer. The Employer took no position at the hearing, or in their duly considered brief. Accordingly, I find no issues in dispute.